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### Forgent Patent Troll Loses Again

Posted by Zonk on Sunday August 12, @02:27PM  
from the system-kind-a-sorta-works dept.

anagama writes "*Forgent Networks, a patent troll, got the slap down by a TX jury in May when it invalidated a patent Forgent held regarding video conferencing over telephone lines, and today, its motion for a new trial against EchoStar was denied. In fact, the court awarded EchoStar \$90k in costs. Forgent probably isn't crying that much though, it already extorted \$28m from other defendants. Some of you may recall that Forgent made a business out of cheating companies for jpeg use — till their patent was largely invalidated on that front as well.*"

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[+] [USPTO Rules Forgent JPEG Patent Invalid](#) 240 comments

fistfullast331 writes "*Groklaw has reported that the USPTO has ruled the broadest claims of the JPEG Patent held by Fogent to be invalid. PUBPAT, the organization that requested the review, released the news earlier today. According to PJ, the ruling will be hard to overturn as the 'submitters knew about the prior art but failed to tell the USPTO about it.'*"

Firehose:Forgent Patent Troll Loses Again by anagama (611277)

- **Where does it end?**

(Score:1)

by skoalipper (752281) <skoalstr8.gmail@com> on Sunday August 12, @02:39PM (#20204473)

(Last Journal: Saturday August 11, @12:50PM)

**Judge Ito** - "Order! Order! No more disturbances from the Forgent attorneys. I will hear this evidence."

**Hanna-Barbera** - "Your honor, I present exhibit A. Now, if you watch closely on your television screen, you will see George calling in sick to Mr. Sprocket."

[ Reply to This ]

- Re:Where does it end? by archieaa (Score:1) Sunday August 12, @09:00PM

- **Patent reform**

(Score:5, Insightful)

by also-rr (980579) on Sunday August 12, @02:39PM (#20204475)

(<http://www.revis.co.uk/>)

Unlike copyright the patent concept is easy to defend. The benefit for progress of engineering and technological culture can be logically demonstrated - and unlike copyright the limits on duration are not totally insane.

However there is obviously some need for reform. If I were starting a business today I would be sure to base it in somewhere like China and register my patents in the US in order to minimise my likely exposure while maximising my potential gain. So what could be done?

Almost the scariest aspect of the patent system is not the actual law but the consequences of the threat of the law. If you are perceived to be infringing your case could be hugely expensive and very protracted - and justice delayed is justice denied. Being right isn't going to be much help if I go bankrupt before I win! Unless you are a huge company you are essentially screwed by a lawsuit. With the intent of keeping the system essentially fair it would seem to be wise to:

- Assess the patent dispute in a week or so in a semi-formal tribunal of peers. Appeal is permitted, with (capped) costs paid by each side.
- Assess the patent in an equivalent of a small claims court over a month or so. Appeal is permitted, with (capped) costs paid by the loser.
- Full lawyer enriching bun fight - but whoever lost the last round gets to pick up the whole cost until a winner is declared.

By lowering the cost of patent litigation the risk would be reduced - and we wouldn't have to wait so long or force so many people to pay protection money in the course of business.

[ Reply to This ]

- Re:Patent reform by Eddi3 (Score:1) Sunday August 12, @02:44PM

- Re:Patent reform by kenb215 (Score:1) Sunday August 12, @02:59PM

- **Re:Patent reform**

(Score:5, Interesting)

by [eiapoce \(1049910\)](#) on Sunday August 12, @03:12PM (#20204697)

(Last Journal: [Saturday January 20, @04:47PM](#))

The States are seriously in need of a Law Reform. Here in Italy if you threaten a suite you'd better be ready to do it. Else the treathened part can sue you back! Treathening a lawsuit without evidence for the sole scope of gaining an unlawful advantage is a felony here.

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■ **Re:Patent reform**

(Score:4, Insightful)

by [TheSkyIsPurple \(901118\)](#) on Sunday August 12, @03:36PM

(#20204843)

I believe it is in the US as well, but the judges tend to take any sort of tiny bit of evidence as evidence that you were serious... ie, give everyone their fair shake.

That way they don't end up denying the little guy because they didn't all 17-million forms properly filled out in ancient Sumerian on rice paper, with lines numbered in cuneiform (or rather in Roman numerals depending on what your local court prefers)

Its this "protect the little guy" thing that groups like this take advantage of, since they say "Hey, we're little guys.. and they're trying to take advantage of us"

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- [Re:Patent reform](#) by [asc99c](#) (Score:2) Sunday August 12, @02:59PM

- [Re:Patent reform](#) by [Hotawa Hawk-eye](#) (Score:3) Sunday August 12, @04:04PM

- [Re:Patent reform](#) by [iovar](#) (Score:1) Sunday August 12, @03:36PM

- [Re:Patent reform](#) by [Timothy Brownawell](#) (Score:3) Sunday August 12, @03:37PM

- [Re: Patent reform](#) by [D4C5CE](#) (Score:3) Sunday August 12, @06:11PM

- **Re:Patent reform**

(Score:5, Interesting)

by [rcw-home \(122017\)](#) on Sunday August 12, @03:42PM (#20204895)

Unlike copyright the patent concept is easy to defend. The benefit for progress of engineering and technological culture can be logically demonstrated

The patent system was originally an alternative to the guilds, who would keep the important knowledge of their trade a secret from those who wished to compete. Not only was the knowledge at risk of being lost over time, but the guilds actively worked to prevent non-guild members from competing in their trade. So now, we have government-granted temporary monopolies as an incentive to share these secrets.

The problem is, the "secrets" going into the patent system these days are about as useful to someone skilled in the art as a list of ingredients on a box of food is to a chef. They are purposefully written in an obfuscated manner. One never hears of someone poring over prior patents for enlightenment - in fact, company lawyers often recommend to their employees *never* to research patents because then they would be knowingly infringing on anything they stumbled upon.

I believe there are more powerful mechanisms at work that would prevent the reformation of a guild system today if the patent system disappeared. For starters, employees switch jobs much more regularly. Legal limits to non-compete contracts would be effective in keeping this mechanism in place. The Internet has promoted a worldwide culture of knowledge-sharing. Corporate secrets are regularly and anonymously leaked to the public.

So in my mind the question is not whether patents are necessary to protect knowledge sharing. The question is whether the incentive to innovate would remain, and whether that incentive is truly tied to money. I am increasingly dubious.

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- o [Go right past patent reform to abolishment](#) by bzipitidoo (Score:2) Sunday August 12, @04:38PM
  - [Re:Go right past patent reform to abolishment](#) by Qrlx (Score:2) Monday August 13, @07:31AM
- o [Re:Patent reform](#) by Khaed (Score:3) Sunday August 12, @09:00PM
- o [Re:Patent reform](#) by bit01 (Score:2) Sunday August 12, @09:58PM
- o [Re:Patent reform](#) by penix1 (Score:2) Sunday August 12, @10:01PM
- o [Patent Office](#) by hummassa (Score:1) Monday August 13, @06:15AM
- o **3 replies beneath your current threshold.**
- **Watch what happens...**

(Score:5, Funny)

by [RyanFenton \(230700\)](#) on Sunday August 12, @02:41PM ([#20204483](#))

[Narrator, Whispering]:

We've secretly replaced their expensive patents with useless Forgent crystals. Let's see if they notice.

[Judge, Cringing]

Ack! I don't like the taste of this one bit - your claim is denied!

[Narrator, Whispering]

Well, there you have it - the legal system can still reject some kinds of landgrabs, when they're wrapped in the form of a patent. We now return you to your regularly scheduled eminent domain rulings.

Ryan Fenton

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- o [Re:Watch what happens...](#) by Anonymous Coward (Score:2) Sunday August 12, @03:08PM
  - [Re:Watch what happens...](#) by alx5000 (Score:1) Sunday August 12, @05:24PM
- **Is is Forgent, or Fogent?**

(Score:2)

by [debest \(471937\)](#) on Sunday August 12, @02:50PM ([#20204549](#))

Unless it's two different patent trolls, I've seen this company's name spelled both ways. Which is right?

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- o [Re:Is is Forgent, or Fogent?](#) by debest (Score:2) Sunday August 12, @02:54PM
  - [Re:Is is Forgent, or Fogent?](#) by Anpheus (Score:3) Sunday August 12, @03:54PM
- o **3 replies beneath your current threshold.**

- **Already extorted?**

(Score:4, Insightful)

by Anonymous Coward on Sunday August 12, @03:17PM (#20204731)

*Forgent probably isn't crying that much though, it already extorted \$28m from other defendants.*

So with this patent invalidated couldn't the other defendants recover their \$28m?

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- [Re:Already extorted?](#) by Adult film producer (Score:1) Sunday August 12, @05:01PM

- [Re:Already extorted?](#) by TheRealMindChild (Score:2) Sunday August 12, @10:30PM

- **3 strikes and your out...**

(Score:2, Interesting)

by 8ball629 (963244) on Sunday August 12, @05:34PM (#20205713)

(<http://www.bbbsystems.net/>)

How about this for reform? If you file 3 consecutive BS claims, you can no longer file claims for 10 years.

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- [Re:3 strikes and your out...](#) by Absolut187 (Score:2) Sunday August 12, @07:16PM

- [Re:3 strikes and your out...](#) by 8ball629 (Score:1) Sunday August 12, @07:27PM

- [Re:3 strikes and your out...](#) by Absolut187 (Score:2) Sunday August 12, @07:37PM

- [Re:3 strikes and your out...](#) by 8ball629 (Score:1) Sunday August 12, @07:45PM

- **What is a patent troll?**

(Score:2)

by Absolut187 (816431) on Sunday August 12, @07:12PM (#20206353)

Forgent Networks, a **patent troll**, got the slap down

Can someone define this epithet?

Seeing it used to describe a company in an article as if were an unquestionable fact is just strange to me.

Here's a hypothetical:

Dr. X invents some ingenious gizmo and receives a patent from the PTO.

He has no manufacturing capability and wishes to license the patent to manufacturers rather than manufacture himself.

I'm a manufacturer of gizmos and I read his recently issued patent at uspto.gov.

I think there is profit in it, so I begin manufacturing the device without his permission.

He sues me for infringement.

Is Dr. X therefore a "patent troll?"

And what does validity have to do with "trolliness?"

If his patent is invalid, then it's invalid whether or not he manufactures the device.

The validity of his patent seems to be an ENTIRELY distinct issue.

And yet people use the word "troll" as if it had meaning.

As if anyone who does not manufacture the patented invention should have all of his patents

declared invalid. But this would defeat the entire purpose of the patent system.

Everyone would keep their inventions as trade secrets.

Can anyone explain this to me?

[ [Reply to This](#) ]

- o **Either you really don't understand....**

(Score:4, Informative)

by [Nursie \(632944\)](#) on Sunday August 12, @07:47PM (#20206621)

(<http://www.gothnet.org/>)

...or you're the troll. I'll give you the benefit of the doubt for now. You make the mistake of assuming that patents are filed by genuine inventors and that the patent office actually give a crap about what they pass.

The scenario you describe is NOTHING like what we see in real life. Dr. X in your situation is absolutely not a patent troll.

Now, Mr. Y on the other hand, he spends his time (with Mr Z, his IP lawyer) thinking up as many spurious and badly worded patents as possible. He tries to make them vague, but kinda new sounding. Occasionally he likes to throw in something someone else has already done.

Mr Z sends these off to the US patent office who take his money and grant his patents without researching what they mean or what they really cover.

Later, Y and Z take companies to court over products which may or may not infringe on these really badly worded patents. These companies are using things that are either standard, obvious or *their own invention*. A lot of them pay up to avoid court, especially given how rare it is for costs to be awarded to defendants.

This is exactly what Y and Z want, this is what makes Y and Z trolls. They haven't invented a thing, yet they try to extort money from those that do.

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- [Re:Either you really don't understand....](#) by [Absolut187](#) (Score:1) Monday August 13, @12:57AM
  - [Re:Either you really don't understand....](#) by [Nursie](#) (Score:2) Monday August 13, @06:55AM
- [INFORMATIVE??](#) by [Absolut187](#) (Score:1) Monday August 13, @03:46AM
  - [Lol retard.](#) by [Nursie](#) (Score:2) Monday August 13, @06:59AM
- [Re:Either you really don't understand....](#) by [Nursie](#) (Score:2) Sunday August 12, @09:08PM
  - [Re:Either you really don't understand....](#) by [Khaed](#) (Score:2) Monday August 13, @01:57AM
    - [Re:Either you really don't understand....](#) by [Absolut187](#) (Score:2) Monday August 13, @03:26AM
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- [Re:Either you really don't understand....](#) by [Absolut187](#) (Score:2) Monday August 13, @12:23AM
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- [Re:What is a patent troll?](#) by NoOneInParticular (Score:2) Sunday August 12, @07:49PM
    - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Sunday August 12, @08:05PM
      - [Re:What is a patent troll?](#) by NoOneInParticular (Score:2) Monday August 13, @04:36AM
        - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Monday August 13, @04:57AM
        - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Monday August 13, @05:04AM
    - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Monday August 13, @01:00AM
      - [Re:What is a patent troll?](#) by NoOneInParticular (Score:2) Monday August 13, @04:18AM
        - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Monday August 13, @04:43AM
  - [Re:What is a patent troll?](#) by Alyred (Score:1) Sunday August 12, @08:38PM
    - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Sunday August 12, @09:02PM
  - [Re:What is a patent troll?](#) by ShinmaWa (Score:2) Sunday August 12, @11:30PM
    - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Monday August 13, @12:28AM
    - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Monday August 13, @12:35AM
    - [Re:What is a patent troll?](#) by Khaed (Score:2) Monday August 13, @02:05AM
      - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Monday August 13, @03:52AM
  - [Re:What is a patent troll?](#) by Absolut187 (Score:2) Monday August 13, @01:05AM
  - [University of California == Patent Troll??](#) by Absolut187 (Score:2) Monday August 13, @05:17AM
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  -

The fact that boys are allowed to exist at all is evidence of a remarkable Christian forbearance among men. -- Ambrose  
Bierce

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